

FILED 11-24-03  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION  
YMA

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Board of Regents, The University of  
Texas Systems, and 3D Systems, Inc.

Plaintiffs, Civil Action No. A03 CA 113 SS

v.

EOS GmbH Electro Optical Systems,

Defendant.

**DECLARATION OF MICHAEL D. GANNON IN SUPPORT OF  
DEFENDANT'S OPENING AND RESPONSIVE MARKMAN BRIEFS**

I, Michael D. Gannon, declare as follows:

1. I am a partner with the law firm of Baniak Pine & Gannon, counsel of record for defendant EOS GmbH Electro Optical Systems in the above-captioned matter. I am duly licensed to practice law in the State of Illinois and have been admitted to this matter *pro hac vice*. I have personal knowledge of the facts stated in this declaration, and I could and would competently testify to the matters set forth below if called upon to do so.
2. Attached as Exhibit A to the Opening *Markman* Brief of Defendant EOS is a true and correct copy of United States Patent No. 5,597,589, marked with Bates numbers UT3D 000305-UT3D 000318.
3. Attached as Exhibit B to the Opening *Markman* Brief of Defendant EOS are true and correct copies of excerpts from the file history of United States Patent No. 5,597,589.

4. Attached as Exhibit C to the Opening *Markman* Brief of Defendant

EOS is a true and correct copy of United States Patent No. 5,639,070.

5. Attached as Exhibit D to the Opening *Markman* Brief of Defendant

EOS are true and correct copies of excerpts from file history of United States Patent No. 5,639,070.

6. Attached as Exhibit E to the Opening *Markman* Brief of Defendant

EOS is a true and correct copy of Page 1, 2, 121-123 and 125 from the deposition transcript of Rodney Anderson dated October 9, 2003.

7. Attached as Exhibit F to the Opening *Markman* Brief of Defendant

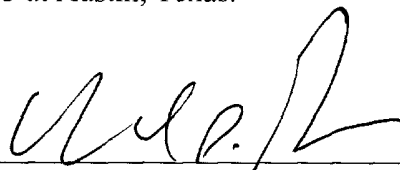
EOS is a true and correct copy of the declaration of Allan J. Lightman executed on October 23, 2003.

8. Attached to EOS GmbH Electro Optical Systems' Response to

Plaintiff's Opening *Markman* Brief is a copy the cover page, the copyright page, Page 1451 and enlarged excerpts from Webster's Third New International Dictionary.

I further declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 22<sup>nd</sup> day of November, 2003 at Austin, Texas.

  
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Michael D. Gannon